

France. — Convention Nationale.

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OF THE

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FRENCH CONSTITUTION,

AND

DECLARATION OF RIGHTS;

AS PRESENTED TO THE

69 NATIONAL CONVENTION OF FRANCE

On the 16th of February, 1793.

THE SECOND EDITION.

*Translated from the Authentic French Copy, published by
Order of the National Convention.*

L O N D O N :

PRINTED FOR J S. JORDAN, NO. 166, FLEET-STREET.

1793.

P L A N

OF THE

FRENCH CONSTITUTION

AND

DECLARATION OF RIGHTS

AS PRESENTED TO THE

NATIONAL ASSEMBLY OF FRANCE



On the 10th of August, 1793.

THE SECOND EDITION.

Reprinted from the authentic French Copy, published by
Order of the National Convention.

L O N D O N :

Printed for J. JOHNSON, No. 10, ST. PATRICK'S STREET.

1793

P R E F A C E.

THE former CONSTITUTION of FRANCE, was presented to the late KING, and accepted, and sworn to, by him on the third of September 1791. In the month of August 1792, the powers of the King were suspended, and the NATIONAL ASSEMBLY declared to the French Nation, their desire to see a fresh Representation of the People appointed, in order to frame a new Constitution ; because the Constitution which had been made, was now broken, and destroyed. This new representation met on the 21st September 1792, at Paris :
and

P R E F A C E.

and called themselves a NATIONAL CONVENTION. After dispatching all the immediate necessary business, they proceeded to the great object of their election; and in the month of February 1793, the Committee, whom they had appointed to draw up the plan of a NEW CONSTITUTION, presented the following.

The Translator assures the English Reader that he has translated the work from the *authentic Copy*, printed by order of the *Executive Government*; that he has adhered to the *original* with the strictest fidelity, and that he has not abridged any part of it.

DECLARATION

DECLARATION
OF THE
NATURAL, CIVIL, AND POLITICAL
RIGHTS OF MAN.

THE end of all, uniting of men, in society, being the maintenance of their natural, civil, and political rights; these rights ought to be the basis of the social compact; and their acknowledgment, and their declaration, ought to precede the Constitution which ensures their guarantee:

Art. I. The natural, civil, and political rights of man, are liberty, equality, safety, property, social guarantee, and resistance to oppression.

Art. II. Liberty consists in the power of doing whatever is not contrary to the rights of others: Thus, the exercise of the natural rights of every man, has no other limits than those which assure to the other members of society, the enjoyment of the same rights.

Art. III. The conservation of liberty, depends on a submission to the law, which is the expression of the general will. All which is not prohibited by the law, cannot be prevented; and none can be constrained to do that which it has not ordained.

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Art. IV.

Art. IV. Every man is free to manifest his thoughts, or his opinions.

Art. V. The liberty of the press, or any other means of publishing his thoughts, cannot be suspended, interdicted, or limited.

Art. VI. Every citizen is free in the exercise of his religion.

Art. VII. Equality consists in this ; that each may enjoy the same rights.

Art. VIII. The law ought to be equal for all, whether to reward or to punish, to protect or repress.

Art. IX. All citizens are eligible to all public places, employs, and functions. Free people knowing no other motives of preference, but talents and virtues.

Art. X. Public safety consists in the protection granted by society to each citizen, for the preservation of his person, of his effects, and of his rights.

Art. XI. None can be called, in justice, accused, arrested, or detained, but in cases determined by the law, and according to the forms it prescribes. Every other act exercised against a Citizen is arbitrary and null.

Art. XII. Those who solicit, issue, sign, execute, or cause to be executed such arbitrary acts, are culpable, and must be punished.

Art. XIII. Citizens, against whom the execution of such acts are attempted, have the right to
repel

repel force by force; but every citizen called on, or seized by the authority of the law, and in the forms prescribed by it, ought instantly to obey, and becomes culpable by resistance.

Art. XIV. Every man being presumed innocent, until he has been declared guilty, if it is judged indispensably necessary to arrest him, every rigour which is not necessary to secure his person, ought to be severely repressed by the law.

Art. XV. None ought to be punished, but in virtue of a known established law, promulgated anterior to the offence, and legally applied.

Art. XVI. A law which punished a crime committed before its existence, would be an arbitrary act. The retroactive effect given to the law, is a crime.

Art. XVII. The law ought only to pronounce punishments strictly and evidently necessary to the general safety. These ought to be proportioned to the crimes, and useful to society.

Art. XVIII. The right of property consists in this; that every man is master of disposing at his will, of his effects, of his capital, of his revenues, and of his gains.

Art. XIX. No species of labour, of commerce, of culture, can be interdicted from; he may fabricate, sell, and transport every species of production.

Art. XX. Every man may engage for his services and his time, but he cannot sell himself; his person not being an alienable property.

Art. XXI. None can be deprived of the least portion of his property without his consent unless at a time of public necessity, legally fixed, evidently required, and under the condition of a just and previous indemnity.

Art. XXII. No contribution can be established, but for general utility, and to supply the public wants. All citizens have the right, personally, or by their representatives, to concur in the establishment of contributions.

Art. XXIII. Every man requires an elementary instruction, and society owes it to all its members.

Art. XXIV. The public aids are a sacred debt of society, and it belongs to the law to determine the extent and the application.

Art. XXV. The social guarantee of these rights, rest on the national sovereignty.

Art. XXVI. This sovereignty is one indivisible, imprescriptible, and inalienable.

Art. XXVII. It essentially resides in the whole of the people; and each citizen has an equal right to concur to its exercise.

Art. XXVIII. No partial reunion of citizens, and no individual have power to arrogate to themselves the sovereignty, or exercise any authority,

authority, or fill any function without a formal delegation of the law.

Art. XXIX. The social guarantee cannot exist where the public functions are not clearly determined by the law, and where the responsibility of all the public functionaries are *not secured*.

Art. XXX. All citizens are bound to concur to this guarantee, and give force to the law, whenever they are called on in its name.

Art. XXXI. Men united in society, ought to have legal means to resist oppression.

Art. XXXII. There is oppression when a law violates the natural, civil, and political rights which it is indebted to preserve.

There is oppression when the law is violated by the public functionaries in its application to individual actions.

There is oppression, when arbitrary acts violate the rights of citizens, contrary to the letter of the law.

In every free government, the mode of resistance to these different acts of oppression, ought to be regulated by the law.

Art. XXXIII. A people have always the right to review, to reform, and to change their constitution; a generation has not the right to subject future generations to its laws; and all hereditary functions are absurd and tyrannical.

P L A N
OF THE
FRENCH CONSTITUTION.

THE French Nation constitutes itself into a REPUBLIC, one and indivisible; and grounding its government upon the Rights of Man, which they have acknowledged and declared, and on the principles of the equality and sovereignty of the people, they adopt the following Constitution.

HEAD I.

OF THE DIVISION OF TERRITORY.

Article I. The French Republic is one and indivisible.

II. The present distribution of its territory into eighty-five Departments, is maintained.

III. Notwithstanding this, the limits of the Departments may be altered or rectified, at the request of the Administrées, (those who have chosen the Administrators, it is a new word) but in no case whatever can the surface of any of the Departments exceed four hundred square Leagues.

IV. Each

IV. Each Department shall be divided into large Commonalities, the Commonalties into municipal Sections and Primary Assemblies.

V: This distribution of the territory of each Department into large Commons, shall be effectuated in a manner, that there shall be no greater distance than a league and half, from the remotest habitation, to the center of the chief place of the Commonality.

VI. The limits of the municipal Sections shall be no more than those of the Primary Assemblies.

VII. There shall be in each Commonality, an administration subordinate to the administration of the Department, and in each Section, a secondary Agency.

H E A D II.

OF THE STATE OF CITIZENS AND OF THE
CONDITIONS NECESSARY FOR EXERCISING
THE RIGHTS OF THE SAME.

Article I. Every man on accomplishing his twenty-first year of age, who causes himself to be entered in the Civic List of a Primary Assembly, and who has since resided a whole year without interruption, on the French Territory, shall be a Citizen of the Republic.

II. The quality of a French Citizen is forfeited by naturalization in foreign countries, and by incurring the punishment of Civic degradation.

III. Every

III. Every Citizen that has fulfilled the conditions that are required by article the first, may exercise his right of voting in the part of the territory of the Republic where he can prove a yearly residence of three months without interruption.

IV. None can exercise his right of voting for the same object, in more than one Primary Assembly.

V. There shall be two cases of an absolute disability of voting ; the first of which, is, imbecility, or the being *non compos mentis*, evinced by a judgment, the second is, a lawful condemnation to punishments that inflict a Civil degradation.

VI. Every Citizen that has resided for the space of six years out of the territory of the Republic, without having *a mission* in the name of the Nation, cannot exercise again the right of voting, until, after an uninterrupted residence of six months.

VII. Every Citizen, who, without having had such *mission*, absenting themselves for a year, from the place where they have their usual place of abode, shall be subject anew to a residence of three months, before they can be admitted to vote in their Primary Assemblies.

VIII. The Legislative Body is to determine the penalties incurred by those who shall attempt to exercise the right of voting in all cases whence

where they are forbid by the Constitutional Law.

IX. The quality of a French Citizen, and the attaining the full age of twenty-five years, are the only conditions necessary for being elected in all the places of the Republic.

X. In whatsoever place a French Citizen resides, he may be elected to all places, and by all the Departments, although he should be at the instant deprived of the right of voting, for default of residence.

HEAD III.

OF THE PRIMARY ASSEMBLIES.

SECTION I.

ORGANIZATION OF THE PRIMARY ASSEMBLIES.

Article I. The Primary Assemblies in which the French are to exercise their rights of citizens, shall be distributed on the territory of each Department, and their extent shall be regulated, so that none of them shall have less than four hundred and fifty members, nor more than nine hundred.

II. In each Primary Assembly, there shall be made a particular list of citizens that compose it.

III. This list being made, they shall proceed in each Primary Assembly to the nomination of a Committee, composed of as many members as

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there shall be fifty citizens entered on the register.

IV. This Election is to be effectuated by a single scrutiny, and by the simple majority of votes. Every one that votes, shall set down on his ballot two persons only, whatsoever be the number of Members that are to form the office.

V. Nevertheless in the case, when through the result of the first ballot the election of the Members of the office should not be compleat, a second ballot shall take place in order to compleat it. The Senior Member shall preside in the Assembly during this first election.

VI. The functions of the Members of this office, shall be, First, to keep the list or register of the citizens. Secondly, to enter in this register, in the interval of one Convocation to the other, those who shall demand to be admitted as citizens. Thirdly, to give to such as intend to change their dwelling places, a certificate which attests their quality of citizens. Fourthly, to convene the Primary Assembly, in cases that are determined by the Constitution. Fifthly, to make in the name of the Assembly, either at the Administration of the Department, or at the offices of the Primary Assemblies of the same Commons, the requisitions that are necessary for the exercise of the right of censuring.

VII. The Members of the Committee shall be proclaimed according to the order of the majority of
of

of the votes each of them has obtained. The first shall discharge the functions of President, the three Members that follow immediate after him those of Secretaries, and the remainder of the Committee the functions of Scrutators ; they shall in the same order supply each other's places in case any of them should be absent.

VIII. Each time that a Primary Assembly is convened anew, no object shall be taken in hand till the Committee is renewed. All that is transacted previous to this renewing is deemed void. The citizens, however, that composed the former Committee may be re-elected.

IX. The Committee shall not be renewed whenever the sittings of the Assembly are merely adjourned, but continued as long as the object for which they were assembled is undetermined.

X. Nobody can be admitted to vote in a Primary Assembly in whose registers his name is not entered, unless he has delivered to the Committee, a week before the opening of the Assembly, the vouchers that prove his right. The old Committee shall give an account of it to the Assembly, who is to decide whether the presented citizen has fulfilled or not the conditions required by the Constitution.

SECTION II.

FUNCTIONS OF THE PRIMARY ASSEMBLIES.

Article I. The French Citizens shall form Primary Assemblies ^{in order} ~~for~~ to proceed to the elections that are determined by the Constitution.

II. The French Citizens shall likewise unite in Primary Assemblies for to deliberate upon objects that concern the general interest of the Republic, as 1st, when the question is to accept or refuse a plan for a Constitution, or any alteration whatever in the Constitution that is already adopted. 2^{dly}, When proposals are making for to convene a National Convention. 3^{dly}. When the legislative body, upon a question that concerns the whole Republic, wants to be informed of the wishes of all the citizens on the subject. Lastly, When the question is, either to request the legislative body to take an object into consideration, or to exercise on the acts of the national representation the censure of the people, pursuant to the mode, and according to the rules laid down by the Constitution.

III. The Elections and deliberations of the Primary Assemblies, which from their nature, tendency, or mode, are inconsistent with the rules prescribed by the Constitutional Law, shall be void and of no force.

SECTION III.

GENERAL RULES FOR THE ELECTIONS IN
THE PRIMARY ASSEMBLIES.

Article I. The elections shall be performed by means of two ballots, the first of which, merely preparatory, shall only serve to form a list of presentation, and the second, opened only among the candidates, entered in the list of representation, shall be decisive and consummate the election.

II. As for the ballot of presentation, as soon as the Assembly is formed, the Members acknowledged, the Committee established, and the object of the Convocation made known, each voter shall receive in the Committee a printed ballot, on which his name is wrote on the margin.

III. The scrutiny shall be opened that very moment, and shall only be closed in the sitting of the next day, at four o'clock in the afternoon. Each citizen shall write, or cause to be wrote, on his ballot, a number of names, equal to that of the places to be elected, and shall, during this interval, deposit it in the Committee.

IV. In the sitting of the second day, at four o'clock, the Committee shall proceed to the examination and verification of the scrutiny, by reading aloud the name of each voter, and the names of those which he has wrote on his ballot.

V. All this shall be publicly transacted.

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VI. The result of the scrutiny of each Primary Assembly decreed and proclaimed by the Committee, shall be sent to the chief place of the department, when the verification of the results of each Primary Assembly shall be made publicly by the administrators.

VII. The list of presentation shall be formed of those who have obtained most votes in a treble number for the places that are vacant.

VIII. If there is an equal number of suffrages the eldest shall be preferred in all cases; and if there is only one place to be filled, the eldest shall alone be entered on the list.

IX. The general verification of the result of the scrutinies made by the Primary Assemblies, shall begin on the eighth day after that which is set for the opening of the election, and the scrutinies of the Primary Assemblies delivered to the administration of the department after this period, shall not be admitted.

X. The list of presentation of candidates, shall not be ultimately determined immediately after the verification of the result of the scrutiny of the Primary Assemblies. The administration of the department shall be bound to get it printed and published without delay; it shall only be looked upon as a simple plan, and it shall contain, first, the list of candidates that have had most votes, in three times the number of places that are to be filled. 2dly, An equal number of persons

sons chosen from among such as have gained most suffrages, after the candidates that were first entered, and by observing always among themselves the order of plurality.

XI. In the course of the fifteen days after the publication of this first list, the administration of the department shall receive the declaration of such as, being entered on the same, either among the first number of candidates, or the second, declare that they can or will not accept; and on the fifteenth day the lists shall be definitively closed, by supplying those of the candidates that have refused, at first by those that are entered among the second number of candidates, and successively by those, who after them have had most votes, always observing among themselves the order of plurality.

XII. The list of presentations thus definitively closed and reduced to three times the number of persons to be elected, shall be sent without delay, by the administration of the department to the Primary Assemblies. The administration shall set the day on which the Primary Assemblies are to proceed to the last scrutiny of election; yet under no pretence whatever shall this period be put off any longer than the second Sunday after the list of presentation is closed.

XIII. The Assembly being assembled for the second and last scrutiny, each voter shall receive in the Committee, a ballot with two columns,
each

each of which divided in as many cases as there are persons to elect. The title of one of these columns shall be, *First Column of Election*, and the other, *Supplementary*.

XIV. Each of the voting members shall write or cause to be wrote on the first column, as many individuals as there are places to elect; and then on the supplementary column a number of names equal to that which was wrote on the first column. This ballot shall not be signed.

XV. The votes can only concern the individuals entered on the list of presentation.

XVI. In each Primary Assembly there shall be a separate verification of the suffrages that are on the first column of elections, and afterwards on the supplementary column.

XVII. These results shall be sent to the chief place of the department, and shall be received there only on the 8th day after that which is appointed for the opening of the second scrutiny.

XVIII. The administration of the department shall publicly proceed to the general examination of the results of the scrutiny sent by the Primary Assemblies. At first the number of suffrages given to each candidate on the first columns of election will be scrutinized particularly and separately, and afterwards those on the supplementary columns.

XIX. If the number of votes mentioned on the first columns does not give a decided majority

to any body, an exception will be made against the number of suffrages which each candidate has obtained on both columns, and the nomination of all the persons that are to be elected, and likewise that of the persons who supply their places shall be determined in order of plurality.

XX. If one or several candidates carry a decided majority, by the verification of the votes mentioned on the first list or column, their election shall be admitted, and recourse then only be had to the addition of the votes mentioned on the two columns, for the candidates who have not had a decided majority in the first column, and for the places that are vacant after the verification.

XXI. The *suppléans* in the first place will be those who on the first column, having obtained an absolute majority, have the greatest number of votes, after the persons elected; and then those who, after the elected persons, have most suffrages, by the re-union of the two columns, although they only have obtained a relative plurality.

XXII. The same mode will be followed with respect to nominations to a single place, but in this case, 1st. At the time of the scrutiny of presentation, each Member shall write only one name on his ballot, 2^{dly}, The list of presentation being formed after this scrutiny, shall contain the names of thirteen candidates and of as many *suppléans*, till reduced to thirteen, and definitively closed conformable to

articles 10 and 11. 3dly, At the time of the scrutiny of election, each voting Member shall write or cause to be wrote the name of the individual he prefers, on the first column, and on the *suppléan* column the name of six other individuals. 4thly, If at the time of the general verification of the votes, mentioned in the first column, one of the candidates has carried an absolute majority, he shall be elected; if no body has obtained the absolute majority, the votes mentioned in favour of each candidate on the two columns shall be collected, and he who has had most shall be elected; and the six candidates that have most votes after him, shall supply him in the order of plurality.

XXIII. If the definitive lists of presentation are not compleat, and that they nevertheless contain a number of names equal to that which ought to be mentioned on the election lists, the preceding forms shall be observed.

On the contrary, those who have obtained an absolute majority of votes in the lists of presentation, shall be elected either for the places or as *suppléans*.

In order to terminate afterwards the nominations, the presentation list shall be compleated, and an election shall take place, according to the general formalities as above prescribed,

XXIV. At the time of the verification of the last scrutiny, the ballots in which one or several
votes

votes are given to citizens that are not entered on the presentation lists, and also those which do not contain the number of suffrages required as above mentioned, shall be annulled.

XXV. The same citizens may be entered at once on several presentation lists for different places.

XXVI. There is an incompatibility between all public functions: no citizen can accept a new function, without resigning, by only the act of his acceptance of that which he exercised before.

SECTION IV.

OF THE INTERNAL POLICE IN THE PRIMARY ASSEMBLIES.

Art. I. The interior police of the Primary Assemblies, belongs chiefly and exclusively to the Assembly itself.

II. The severest punishment an Assembly can inflict upon one of its members after having called him to order and censured him, is to exclude him from the sitting.

III. In case of violent proceedings and great excesses, or crimes perpetrated in the inner hall of the sittings, the President may, after being authorized to it by the Assembly, decree a mandamus against the culprits, and order them to be brought before the officer who is charged with the police of safety.

IV. Citizens can not come armed to the Primary Assemblies.

SECTION V.

FORMS OF DELIBERATIONS IN THE PRIMARY ASSEMBLIES.

Art. I. After the Assembly is formed, the President shall make known, the object of the deliberation, reduced to a simple question, which may be answered by yes or no; and at the end of the sitting, he shall adjourn the Assembly for eight days in order for them to give their decision.

II. During the adjournment, the place where the Primary Assembly meets, shall be open every day to the citizens to discuss the object submitted to their deliberation.

III. The hall shall also be open every Sunday of the year to such citizens as wish to assemble in it: the committee shall appoint one of their members who shall be charged to give the citizens to read the different acts of the constituted authorities, that are sent to the primary Assemblies, and who shall likewise have the charge of maintaining order and tranquillity in those private meetings and peaceable conferences of citizens.

IV. When the Assembly have met on the day appointed for to express their wishes, the President shall again repeat the object of the deliberation and explain the question on which the determination is to be by yes or no. The Committee shall

shall cause to be struck up in the inner hall a placart containing the summary exposition of the question submitted to the Assembly ; and on two columns, the words *yes* or *no*, with the precise explanation of the will which each of these words expresse.

V. Each voter shall write, or cause to be written on his Ballot-ticket, *yes* or *no*, and shall sign it, or cause it to be signed in his name by one of the members of the Committee, before he puts it into the urn.

VI. The scrutiny shall not be closed till in the sitting of the second day, at four o'clock ; and during this interval, each Citizen shall have the liberty to appear at the sittings, at whatever time will suit him best, for giving his vote.

VII. The examination of the scrutiny shall be pronounced with an audible voice, and the Members of the Committee who fill the functions of Scrutineers, shall proclaim the name of each voter, and at the same time the name of those he votes for.

VIII. When all the Primary Assemblies of a single Department deliberate on the same object, the result of the votes of each Primary Assembly, by *yes* or *no*, shall be sent to the administration of the Department, where the general result shall be verified within the periods, and pursuant to the formalities prescribed for elections.

IX. In

IX. In case when all the Primary Assemblies of the Republic are convened for to deliberate on the same subject, the general result of the votes of the Citizens of each Department shall be forwarded by each administration in the space of fifteen days to the legislative body, who are to ascertain and then publish, within the same period, the general result of the votes of all Citizens.

X. All transactions or formalities above cited, which are not strictly observed, are to be null and void.

XI. The Primary Assemblies shall be judges of the validity, or invalidity of the votes that are given within themselves.

XII. The administrations of the Departments shall pronounce respecting the nullities resulting from the neglect of the above prescribed formalities, in the divers acts of the Primary Assemblies, when they have proceeded to elections purely local, and peculiar to their department, upon condition that they shall transmit their decrees to the Executive Council, who shall be bound to conform, or revoke them. But without prejudice to their having recourse, in all cases, to the Legislative Body.

XIII. When the Primary Assemblies deliberate upon objects of general concern, or when they proceed to the election of Members of the
Legis-

Legislative Body, or public Placemen, belonging to the whole Republic, the administrations of the Departments can only send to the Legislative Body, their remarks on the nullity of divers acts of the Primary Assemblies; and the Legislative Body shall give a definitive sentence on their validity.

HEAD IV.

OF THE ADMINISTRATIVE BODIES.

SECTION I.

OF THE ORGANIZATION AND FUNCTIONS OF THE ADMINISTRATIVE BODIES.

Article I. There shall be in every Department an Administrative Council; in every Commonality, an Administration of Commonality, or Municipality; and in every Section of a Commonality, an inferior agency, subordinate to the Municipality.

II. The Administrative Council of the Department, shall be composed of eighteen Members.

III. Four of them shall form the Directory.

IV. The Administration of each Commonality shall be composed of twelve Members, and the Mayor, who shall be their President.

V. The agency of each Section, shall be entrusted to one Citizen, who may have assistants.

VI. The secondary Agents of each Section,
united

united with the Municipal Administration, shall form the general Council of the Commonality.

VII. The administrations of the Commonality, shall be subordinate to those of the Department.

VIII. The Organization of Municipalities and their agency in the Sections, the particular duties they will have to discharge, and the mode of their election by Citizens convened in the assemblies of Sections, shall be determined by a peculiar law, independent of the constitution.

IX. The Citizens of each Commonality, assembled in their Sections, cannot deliberate upon any objects but such as particularly concern their Section, or Commonality; they can in no case whatever, administer for themselves.

X. The Administrators of Departments are chiefly charged with the distribution of direct Contributions, and to have the inspection over the monies arising from all the public revenues in the whole extent of their territory; with the examination of the accounts of the administration of the Commonalities, and to deliberate upon the demands which may be made for the interest of their department.

XI. The Administrators in all the parts of the Republic must be considered as Delegates of the national government, in every thing that relates to the execution of the laws, and general administration; and as the particular agents of the por-
tion

tion of Citizens resident in their territory, for every thing that is solely relative to their local and particular interests.

XII. Under the first of these relations, they are chiefly subordinate to the orders and inspection of the Executive Council.

XIII. The Legislative Body shall determine by particular Laws, the rules and mode of their functions, on all the parts of the Administration they are entrusted with.

XIV. They can in no case whatever intermeddle with the branch of general administration, entrusted by the Government to particular agents, such as the administration of the Land and Sea-forces, or the management of Establishments, the administration of Settlements, Arsenals, Magazines, Storehouses, Ports and Constructions relative to the same, saving the inspection they might be entrusted with over any of these objects, but the extent and mode of which, shall be determined by the Law.

XV. The Executive Council shall chuse in every Department among the Members of the Council, a national Commissioner, who shall have authority to correspond with the Executive Council, to superintend and enforce the execution of the Law. The Commissioner shall be replaced when he shall cease to be a member of the Administration.

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XVI. The Administrators of Departments have right to annul the transactions of subaltern Administrators, if their acts are contrary to the Law.

XVII. They may likewise in case of a persevering disobedience of the Sub-administrators, or when they endanger the public safety and tranquillity, supersede them from their functions, being bound to inform the Executive Council thereof without delay, who shall either take off, or confirm the suspension.

XVIII. The Executive Council, when the Administrators of the Departments have not employed the power delegated to them in the above article, shall be bound to annul directly the acts of the Sub-administrators, and may censure the conduct of either of them, and suspend them from their functions if necessary.

XIX. An account will be given by the Executive Council to the Legislative Body, of the suspension of the different administrators, which they shall have pronounced or confirmed in execution of the preceding articles, and of the motives that have determined them.

XX. The administrators can in no case suspend the execution of the laws, modify or add to them by new dispositions, nor undertake any thing on the action of justice, or the mode of its administration.

XXI. There shall be in every Department a Treasurer that corresponds with the National Trea-

Treasury, and having under him a Cashier and a Paymaster. This Cashier shall be appointed by the Administrative Council of the Department, and his Clerks, presented by him, shall be approved of by the same Council.

XXII. The Members of the Administrations of Department and of the inferior Administrations cannot be arraigned before Tribunals, for acts that are relative to their functions, except in consequence of a deliberation of the directory of the Department, in regard to the Administrators that are subordinate to them, and of the national Council in regard to the Members of the Administration of the Department; an appeal however being allowed in all cases to the superior authority of the Legislative Body.

SECTION II.

OF THE MODE OF ELECTING ADMINISTRATORS OF DEPARTMENTS.

Article I. The Election of the Administrators of Departments shall be immediately made by citizens of each Department convened together in Primary Assemblies, and conformable to the mode prescribed in Section the third of the third Head.

II. In case of a vacancy through death, resignation, or refusing to accept, in the interval that elapses between the elections the appointed citizen shall be replaced by one of the *Suppléans*, according to the order of plurality of suffrages.

III. Half of the Members of the Administrative Bodies shall be renewed every two years, three months after the period fixed for the election of the Legislative Body.

IV. The two first members elected at every election shall form the Directory.

H E A D IV.

OF THE EXECUTIVE COUNCIL OF THE REPUBLIC.

Article I. The Executive Council of the Republic shall be composed of seven general Agents or Ministers, and of one Secretary.

II. There shall be first a Minister of Legislation.

2d. A War Minister.

3d. A Minister for Foreign Affairs.

4th. A Minister of Public Contributions,

5th. A Minister of the Marine.

6th. A Minister of Agriculture, Commerce and Manufactures.

7th. A Minister for Public Works, Supplies, Establishments, and the Arts.

III. The Executive Council shall be alternatively presided by every one of the Ministers, and the President shall be changed every fifteen days.

IV. The Executive Council has the care of executing, and causing to be executed, all the laws, and all the decrees issued by the Legislative Body.

V. It

V. It is charged to transmit the laws and decrees to the administrations and tribunals; to require a certificate of the reception of the same, and to prove it to the Legislative Body.

VI. It is absolutely interdicted to make no laws, not even provisional ones, or to modify, extend, or interpretate the dispositions of those which exist, under any pretence whatever.

VII. All the agents of the administration and of government, in all their branches, are essentially subordinate to the Executive Council; but the administration of justice is only subject to its inspection.

VIII. It is expressly ordered to annul such transactions of Administrators as are contrary to law, or that may endanger public tranquillity or the safety of the State.

IX. It can supercede from their functions the Members of Administrative Bodies; but on condition to give an account of it to the Legislative Body without delay.

X. In case prevarication on their part, it ought to accuse them before the Legislative Body, who is to decide whether they shall be brought to trial.

XI. The council has a right of depriving, replacing, or causing to be replaced, the civil and military agents that are appointed by it, or by the administrators that are subordinate to it, and in case of a crime on their part, to order that they shall be

be prosecuted before the tribunals, who ought to take cognizance of their delinquency.

XII. The council is authorised to denounce to the judiciary censors, the acts and judgments by which Judges have exceeded the limits of their powers.

XIII. The direction and inspection of the armies by land and sea, and in general of whatever concerns the exterior defence of the state, are delegated to the Executive Council.

It is charged to keep always complete the number of men which shall be determined every year by the Legislative Body; to regulate their proceedings, and to distribute them on the territory of the Republic, as it shall think proper; to provide for their armament, accoutrements, and provisions; to make, and conclude for this purpose, all the necessary contracts; to chuse such agents as are to assist it, and to enforce observation of the laws on the mode of military promotion, and the laws on regulations for the discipline of the armies.

XIV. The Executive Council shall cause brevets on commissions to be delivered to such persons employed in public service as ought to receive them.

XV. The Executive Council is charged to make out the list of the national rewards, which all citizens have a right to claim by the tenor of the law. This list shall be presented to the Legislative

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tive Body who shall determine upon it at the opening of each Session.

XVI. All affairs shall be discussed in the Council, and a register shall be kept of its decisions.

XVII. Each Minister shall, afterwards, act in his department, in conformity to the resolutions of the Council, and employ such means of execution in detail, as it shall judge most expedient.

XVIII. The establishment of the National Treasury is independent of the Executive Council.

XIX. General orders of payment shall be decreed in Council, and given in its name.

XX. Particular or private orders shall be dispatched afterwards by each Minister, in his department, under his signature alone, and stating in the order, the resolution of the Council, and the law that authorises each kind of expence.

XXI. No Minister in place, or out of place, can be prosecuted in criminal matters for transactions during his administration, without a decree of the Legislative Body, which orders the case to be tried.

XXII. The Legislative Body shall have a right to ordain the trial of one or more Members of the Executive Council, in a sitting fixed upon for that object alone.

XXIII. A report shall be made on the facts, and the discussion cannot be opened, upon trying
a Minister,

• Minister, till the accused member has been heard.

XXIV. In ordering the trial, the Legislative Body shall determine whether there is any ground to prosecute for simple removal, or for forfeiture.

XXV. In case the Legislative Body shall think proper to prosecute for simple removal an act, stating the facts which cannot be qualified, shall be drawn up in the space of three days.

XXVI. Only one National Jury shall be convened in eight days; it shall afterwards pronounce on the facts not qualified, whether there shall or shall not be grounds for removal; and the tribunal, pursuant to the declaration of the Jury, shall pronounce the removal of the member from the Council, or the sending him back again to his functions.

XXVII. If the Legislative Body orders to prosecute for forfeiture, the report upon which the decree has been passed, and the documents which have served for its basis, shall be delivered to the national accuser, within the space of twenty four hours; and the National Jury of accusation shall be convened within the same space of time.

XXVIII. In every case, whether of simple removal, or of forfeiture, the decree for a trial of a member of the Executive Council, shall of course imply the suspension from his functions,
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till his sentence is pronounced; and during the while the case is drawing out, he shall be replaced by one of the *suppléans*, chosen by way of drawing lots in the council.

XXIX. The Legislative Body in sentencing a Member of the Executive Council to be tried, may order, if deemed necessary, to keep him in sight.

XXX. The decree of the Legislative Body, upon the trial of a member of the Executive Council, shall be passed by a signed scrutiny; and the nominal result of the votes, shall be printed and published.

XXXI. The removal of a member of the council, shall take place, in case of disability or gross neglect. In case of death, resignation, or refusal to accept, the members of the Executive Council shall be replaced by their *suppléans* in the order as they were entered.

XXXIII. In case of sickness, when authorised by the council, they may call, *ad interim*, to their functions, one of their *suppléans* of their own choosing.

SECTION II.

OF THE MODE OF ELECTION OF THE EXECUTIVE COUNCIL.

Article I. The election of the members of the Executive Council shall be made, immediately,

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by all the citizens of the Republic, in their Primary Assemblies.

II. Every member of the Council shall be appointed by a separate scrutiny.

III. Every one that votes for the scrutiny of presentation, shall point out, in his ballot, the citizen whom he thinks to be fittest.

IV. The result of the scrutinies of each Primary Assembly shall be sent to the Administration of the Department, where the verification shall take place, with the formalities, and in the time prescribed by Section the Third of the Third Head.

V. The verification being over, the Administration of the Department shall publish the names of the thirteen candidates, who have obtained most suffrages, provided they shall, at least, have gathered one hundred.

VI. A subsidiary list shall be made of the eight candidates, who have obtained, after the first thirteen, the greatest number of suffrages. These two lists shall mention the number of votes which each of them shall have obtained.

VII. The lists of Departments that do not contain the number of thirteen candidates, having collected most suffrages, shall remain incomplete, and shall nevertheless be valid.

VIII. These lists shall be sent to the Legislative Body in the course of eight days; it shall cause

cause them to be printed, and shall send them to all the Departments.

IX. Six weeks after the publication of the list of each Department, the Legislative Body shall form a defensive list of presentation, in the following manner.

X. It shall leave out, in the list of each Department, the candidates who shall have declared, either that they can not, or will not accept; and it shall replace them by the candidates taken in the subsidiary list of their Department, according to the order they were entered.

XI. The preference shall be regulated in the formation of the definitive list of presentation, between the candidates mentioned in each list, by the number of Departments, whose votes they shall have obtained; and, in case of equality, by the number of votes they shall have obtained.

XII. The definitive list of presentation for each place of the Council, shall be composed of thirteen candidates.

XIII. The Primary Assemblies shall be convened by the Legislative Body, to proceed to the scrutiny of nomination, one month after the publication of this list.

XIV. Every voter shall mention, on his ballot of two columns, viz. on the first, the candidate he prefers: and on the other, the six candidates whom he shall deem the most worthy of succeeding him.

XV. The revision of the results of the scrutiny of the Primary Assemblies of each Department, shall be made by the Administration of the Department, printed, published, and sent, within eight days, to the Legislative Body.

XVI. Within fifteen days after the expiration of this time, the Legislative Body shall proclaim the general result of the scrutinies of the Departments.

XVII. The candidate who shall obtain an absolute majority by the general revision of individual suffrages, mentioned on the first column, shall be elected. If none of the candidates obtain this majority, it shall be formed by uniting and adding the suffrages mentioned on the two columns ; he that has obtained the greatest number, shall be elected.

XVIII. Of the six candidates that have had most suffrages after the elected citizen, there shall be made a list of *suppléans* destined to replace him.

XIX. The general dispositions concerning the elections, expressed in the Third Section of the Third Head, shall be applicable to all particular cases that are not provided for in the preceding articles.

XX. The Members of the Council shall be elected for two years. The moiety shall be renewed every year, but they may be re-elected.

XXI. The

XXI. The Primary Assemblies shall meet every year, on the first Sunday of the month of January, for the election of the Members of the Council; and all the elections shall take place at once, and in the same sittings, for all the places of the Council, though by a separate scrutiny for each.

XXII. After the first election, the four Members of the Council, who ought to be renewed the first, shall go out by lot; and the three Members, who shall not have gone out, as well as the Secretary, shall be renewed at the ensuing election,

SECTION III.

OF THE RELATION OF THE EXECUTIVE COUNCIL TO THE LEGISLATIVE BODY.

Article I. The Executive Council is bound, at the opening of the Session of the Legislative Body, to lay before them every year an estimate of the expences to be made in every branch of the Administration, and the account of the employment of the sums which were destined in the same, for the preceding year; it is charged to point out the abuses which may have crept into Government,

II. The Executive Council may propose to the Legislative Body, to take into consideration the objects which shall appear to them to require dispatch. It may not, however, in any case, give its advice concerning Legislative arrangements,
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till after a formal invitation of the Legislative Body.

III. If, in the interval of the Sessions of the Legislative Body, the Interest of the Republic should require its speedy assembling, the Executive Council is bound to convoke it.

IV. The acts of correspondence with the Legislative Body shall be signed by the President of the Council and the Secretary.

V. The Members of the Executive Council shall be admitted into the Legislative Body when they shall have to read memorials, or to give explanations. - They shall have there a distinct place.

VI. The Legislative Body may also call a Member of the Council, to give them an account of what is relative to his administration, and to give them the explanations and informations which shall be required of him.

HEAD VI.

OF THE NATIONAL TREASURY, AND OF THE PLACE WHERE THE PUBLIC ACCOUNTS ARE KEPT.

Article I. There shall be three Commissioners of the National Treasury, elected as the Members of the Executive Council of the Republic, and at the same time, but by a separate scrutiny.

II. The duration of their functions shall be three years, and one of them shall be renewed every year.

III. The

III. The two Candidates who shall have obtained the greatest share of votes, after him that is elected, shall be the *suppléant* candidate.

IV. The Commissioners of the Treasury shall be charged to superintend the receipt of all the national monies, to order the payment of all the public expences, to keep an open account of receipts and issues, with all the Receivers and Paymasters, who are to account with the National Treasury, and to carry on with the Treasurers of the Departments and the Administrations, the correspondence necessary for securing the exact and regular recovery of the funds.

V. They can pay nothing, upon pain of forfeiture, except 1st, By dint of a decree of the Legislative Body, to the account of the sums decreed by them for each object. 2^{dly}, Upon a decision of the Executive Council. 3^{dly}, Upon the signature of the Minister of each Department.

VI. Neither can they under the penalty of forfeiture, order any payment, if the order of expence, signed by the minister of the department whom this kind of expence concerns, does not mention the date of the decision of the Executive Council, and of the decrees of the Legislative Body; which have ordained the payment.

VII. There shall be appointed three Commissioners of the national account, in the same manner, at the same epoch, and agreeable to the mode
pre-

prescribed for the Commissioners of the National Treasury.

VIII. They shall likewise be appointed for three years ; one of them shall be renewed every year, and they shall also have two *Suppléans* Commissioners.

IX. The Commissioners of Account shall be charged to cause to be given in at the periods fixed by the Law, the accounts of the different accountable persons, accompanied with corroborating vouchers, and to proceed to the verification and judgment of these accounts.

X. The Legislative Body shall form every year for this object, a list of two hundred Jurors.

XI. For the audit and judgment of each account, there shall be formed from that list, a Jury of twenty-one persons, of whom the person accountable shall have a right to refuse seven, and the Executive Council other seven.

XII. If the accusers do not reduce the number of the Jury to seven, the Jurors not refused shall be reduced to that number by lot.

XIII. One of the Commissioners of Account, shall be charged to exhibit the documents to each Juror, to make to him all the observations he shall think convenient, and to give all necessary orders, in order to enable him to form his decision.

H E A D

HEAD VII.

OF THE LEGISLATIVE BODY.

SECTION I.

OF THE ORGANIZATION OF THE LEGISLATIVE BODY, AND OF THE MODE OF ELECTING THE MEMBERS THAT COMPOSE THE SAME.

Article I. The Legislative Body is one. It shall be composed of only one chamber, and renewed every year.

II. The Members of the Legislative Body shall be appointed by the citizens of each Department, collected in Primary Assemblies, with the forms and according to the mode prescribed by the third Section of the third Head.

III. The Primary Assemblies shall meet for this object on the first Sunday of the month of May, each year.

IV. The number of Deputies which each Department shall send to the Legislative Body, shall be fixed by the only basis of population, and at the rate of one Deputy for fifty thousand souls. The number of *suppléans* shall be proportionate to that of Deputies.

V. The odd remaining numbers shall furnish one Deputy more to each Department, when they shall exceed twenty thousand souls, and no regard shall be paid to them, when they do not exceed that number.

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VI. Every

VI. Every ten years, the Legislative Body shall announce the number of Deputies which each Department ought to furnish, conformable to the lists of population which have been sent them every year: but during this interval, no alteration can be made in the National Representation.

VII. The Deputies of each Department shall meet on the first Monday of the month of July, at the place which shall have been pointed out by a Decree of the preceding Legislature, or else in the place itself, where their sittings are held, if they have pointed out no other.

VIII. If during the first fifteen days, the number of the assembled does not exceed two hundred deputies, they cannot proceed to make any Legislative Act; but they shall order the absent members to repair to their functions without delay.

IX. During this interval, the sittings shall be held and presided by the senior member; and in case of pressing necessity, this Assembly may adopt measures for the general safety, the execution of which however shall only be provisional, and cease at the Expiration of fifteen days, if the measures are not confirmed by a fresh deliberation of the Legislative Body, after its definitive Constitution.

X. The Members who shall not have arrived within the space of a month, shall be replaced by their *suppléans*.

XI. At

XI. At the Expiration of the first fifteen days whatever may be the number of Deputies that have met, or as soon as above two hundred are assembled, and after having verified their powers, they shall constitute themselves into a Legislative Assembly; and when the Assembly is organized by the Election of a President and Secretaries, it shall commence the exercise of its functions.

XII. The functions of the President and Secretaries, shall be temporary, and cannot last longer than a month.

XIII. The members of the Legislative Body cannot be prosecuted, accused, nor judged at any time, for any thing they may have said or written in the exercise of their functions.

XIV. They may be arrested for criminal offences, in *flagranti delicto*; but notice thereof shall be given without delay, to the Legislative Body, and the prosecution cannot be continued, till after the Legislative Body has decided that there are grounds for prosecution.

XV. Except the case of being taken in the fact, the members of the Legislative Body cannot be taken before the officers of the Police, nor can they be put under confinement, before the Legislative Body has pronounced, that they shall be brought to a trial.

SECTION II.

SECTION II.

OF THE FUNCTIONS OF THE LEGISLATIVE
Body.

Article I. To the Legislative Body alone, belongs the full and entire exercise of Legislative Power.

II. Constitutional Laws are alone excepted from the disposition of the preceding article.

III. The acts emanating from the Legislative Body, are divided into two classes, LAWS and DECREES.

IV. The Characteristics that distinguish the former, are their generality and indefinite duration. The Characteristics by which the latter are known, are their local or particular application, and the necessity of renewing them, at a certain and fixed period.

V. Under the denomination of LAWS shall be comprehended, all acts concerning Civil and Criminal Legislation; and of Police, general regulations relative to the national Demesnes, and Establishments, the different branches of general administration, and the public Revenue, the standard weight, impression, and denomination of Coin, the nature and assessment of Taxes, and the penalties necessary to be established for their Recovery.

VI. Under the particular denomination DECREES, shall be included the Acts of the Legislative Body respecting, 1st, the yearly Establishment

ment of Land and Naval forces, the permission or prohibition of the introduction of foreign Troops into the ports of the Republic, the yearly limitation of the public expence; the amount of indirect Taxes; 2dly, the necessary precautions concerning safety and tranquillity, the annual and momentaneous distribution of public Supplies and Works, all unforeseen and extraordinary expences, orders for coining all sorts of specie, and the measures which are local or peculiar to a Department, or Municipality, such as the making a High-way, Roads, digging a Canal, &c. 3dly, Declarations of War, ratification of Treaties, and whatever concerns foreign Affairs. 4thly, The exercise of the Responsibility of Members of the Council, public placemen, and the prosecution or Trial of those that are charged with the Crime of plots or attempts against the general Safety of the Republic, the internal Discipline of the Legislative Assembly, and the disposal of the armed force established in the City where they shall hold their sittings.

VII. Extraordinary measures taken for the preservation of general safety and public tranquillity, can only be in force six months, which period being elapsed, their Execution shall absolutely cease to take effect, unless they are renewed by a fresh Decree.

SECTION

SECTION III.
HOLDING OF SITTINGS, AND FORMATION OF
THE LAW.

Article I. The deliberations of the Legislative Body shall be public, and the journal of its proceedings shall be printed.

II. Laws and Decrees shall be passed, by an absolute majority of votes.

III. No discussion can be held, but on a written proposition.

IV. From the above article shall only be excepted the Decrees relative to the police of the Assembly, the order and progression of its deliberations, and especially such Resolutions as have no connexion with Legislation, and the General Administration of the Republic.

V. No Law or Decree shall pass till after two deliberations, the former of which shall only decide upon the admission of the plan, and its reference to re-examination; and the latter shall take place for determining its definitive adoption or rejection.

VI. The plan of a Decree or Law shall be delivered to the President, by the Member who chuses to present it: it shall be read, and if the Assembly does not adopt the previous question, upon the bare reading, it shall be printed, distributed, and can not be deliberated upon, till
eight

eight days after the distribution, unless the Assembly shortens that delay.

VII. The plan, after the discussion on the principle, amendments, and additional articles, may be rejected, adjourned, referred to a Committee, or admitted.

VIII. In case the plan should be admitted, it shall be referred to the examination of a Committee, to be organized in the manner as will be specified hereafter.

IX. The Committee shall be bound to make its report within the space of fifteen days; and it shall have the power of shortening this delay, as much as it shall judge convenient.

X. It may present, either the same plan, or a new one, on the same subject; but if it presents a new plan, or amendments, and additional articles to the same plan, it shall not be debated until eight days after the distribution and impression of these new proposals.

XI. The Assembly may nevertheless, if it shall be thought proper, give the preference to the first plan presented to them, before that of the Committee.

XII. No new proposal whatever, whether additional article, or plan of a decree, can be adopted and resolved upon, till after having been admitted, referred to the Committee, and after it shall have undergone the proof of a new report,

port, conformable to what is prescribed by the preceding articles.

XIII. The Legislative Body may, when it shall think conducive to the public welfare, shorten the delays fixed by Article IX. and X.; but such a deliberation must be determined only by a scrutiny, and by a majority of votes.

XIV. If the question of urgency is adopted, the Legislative Body shall then fix the day on which it shall be debated, or order it to be determined upon, during that very sitting.

XV. The Title of the Law or Decree shall attest that these formalities have been observed by the following set form.

LAW OR DECREE.

" Proposed the day of
" Admitted and referred to the Committee on
" the conformable to the
" tenour of the Constitution, or by virtue of a
" deliberation of the in which the
" urgency of the measure was declared."

XVI. No Law or Decree that shall have been passed without observing these formalities shall have the force of law, or be susceptible of execution.

SECTION IV.

FORMATION OF THE COMMITTEE.

Article I. There shall be formed every month within the Legislative Body, a Committee, composed of thirteen members, and who shall have orders to make a report on all plans of Laws or Decrees, which shall have been admitted and referred to them.

II. This nomination shall take place by a double scrutiny of presentation and election.

(2. *Thirteen Departments shall be drawn by lot every month. Each Deputation of the Departments which has been drawn, shall appoint by scrutiny one of its members, for to form the Committee.*)

III. The List of Presentation shall contain twenty-six names.

(3. *The drawing by lot shall only take place between the Departments whose Lots are not come out yet.*)

IV. The scrutiny of election shall be performed by a ballot with one single column. Each Member of the Assembly shall write upon his ballot, the thirteen candidates whom he prefers, and the nomination shall be determined by the plurality of votes.

(4. *At the end of six months the drawing shall be renewed monthly between all the Departments.*)

V. The Members that have been once elected for the Committee, cannot again be chosen, during the same Legislature.

(5. *The Departments that shall come out by lot for the second time, cannot chuse the same members a second time.*)

VI. Each Committee shall preserve the reports of plans admitted, and that shall have been referred to them in the course of the month, for which it shall have been formed.

H E A D VIII.

OF THE CENSORSHIP OF THE PEOPLE, ON THE ACTS OF THE NATIONAL REPRESENTATION, AND OF THE RIGHT OF PETITION.

Article I. When a Citizen shall think it useful or necessary to excite the vigilance of the Representatives of the People over acts of the Constitution Legislation, or General Administration, to propose the form of an existing law, or the promulgation of a new one, he shall have a right to require the Committee of his Primary Assembly to convene it on one of the next coming Sundays, in order to deliberate on his proposition.

II. This proposition shall be set forth in the Act of Requisition, stated in the most simple terms, without any digression upon the motives.

III. The Requisition to be effectual, must have on the back of it, the approbation and signature of fifty Citizens, resident within the limits of the same Primary Assembly.

IV. The

IV. The Committee to which this Requisition shall be sent, shall examine the list of the Members of the Primary Assembly, whether the signatures of requisition or approbation have a right of suffrage; and in this case, the Committee shall be bound to convene the Assembly for the Sunday following.

V. On that same day, when the Assembly is formed, the President shall read the proposition: the discussion shall be opened that very moment, and may be continued the following days; but the decision shall be adjourned to the Sunday after.

VI. On the day appointed, the scrutiny shall be opened by *yes* or *no*, on the question; Is there, or is there no ground to deliberate?

VII. If the majority of voters are of opinion that there is ground to deliberate, the Committee shall be bound to require the convocation of the Primary Assemblies, whose chief places are situated within the extent of the same Commonality, for to deliberate on the object stated in the Requisition.

VIII. The Committee shall be bound to join to their Requisition, a summary *proces verbal*, of the deliberation of the Primary Assembly, and a collated copy of the demands of the Citizen who has given occasion to the deliberation.

IX. Upon this Requisition, the Members of the Committees of the Primary Assemblies, to

whom it shall have been addressed, shall convoke their Assembly in the prescribed spaces of time, and shall send its results to the Committee which shall first have made the Requisition.

X. If the majority of the voters in the Primary Assemblies of the Commonality declare that there is ground to deliberate on the proposition, the Committee shall send to the Administration of the Department the proces verbal of its transactions, and the general result of the scrutiny of the Primary Assemblies of the Commonality, that shall have been addressed to them; it shall at the same time require the Administration to convoke the Primary Assemblies of the Department, to deliberate on the same proposition.

XI. The general convocation cannot be refused; it shall take place in the space of fifteen days, and the Primary Assemblies shall deliberate in the same forms; and address the result of their deliberations to the Administration of the Department.

XII. The general verification shall be publicly performed, and the result published and posted up in the chief place of the Primary Assemblies of the Department.

XIII. If the majority of the Primary Assemblies shall decide that there is reason to deliberate, the Administration of the Department shall send the result of their deliberation to the Legislative Body; together with the statement of the
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the proposition adopted by them, and a demand to take this object into consideration.

XIV. This Requisition shall be printed, distributed to all the Members, and posted up in the inner part of the Hall without delay, and referred to the Commissioners to make their report on it in eight days.

XV. After the report of the Commissioners, the discussion on the proposed question shall commence; it shall be continued and adjourned for eight days at least, and in the ensuing fortnight, the question, whether there is reason or not to deliberate on this proposition, shall be finally settled.

XVI. This question shall be voted for by a signed scrutiny; and the nominal result of votes shall be printed, and sent to all the Departments.

XVII. If the majority of votes is for the affirmative, the Legislative Body shall refer the adopted proposition to Commissioners, for to present them a plan for a Decree in a space of time that cannot exceed fifteen days.

XVIII. This plan of a Decree shall afterwards be discussed, rejected, or admitted; and in the latter case returned to the Committee, pursuant to the general rules prescribed for the formation of the laws.

XIX. If the majority of votes reject the proposition by declaring that there is no ground for deliberation, the nominative result of the scrutiny shall

shall likewise be sent to all the Departments. In every case, whether the Legislative Body admits the proposition or rejects it, the deliberation on the previous question shall be stated, and shall be sent to all the Departments.

XX. If the revocation of the Decree, which has pronounced on the previous question, or of the law that has been made on the principle of the proposition, is demanded by the Primary Assemblies of another Department, the Legislative Body, after having deliberated on the proposition, shall be bound immediately to convoke all the Primary Assemblies of the Republic, to be informed of their sentiment concerning the proposition.

XXI. The question shall be reduced, and put in the Decree of Convocation, in the following manner :

Is there ground to deliberate, *yes*, or *no*, respecting the report on the Decree of the Legislative Body, dated the ———, which admitted or rejected the following proposition?

XXII. If it is decided by a majority of votes in the Primary Assemblies, that there is reason to deliberate on the report of the Decree, the Legislative Body shall be renewed, and the Members who have voted for the Decree, can neither be re-elected Members, or named as candidates of the Legislative Body, during the interval of one Legislature.

XXIII. The

XXIII. The regulation of the preceding Article, concerning the Members who shall have voted for the Decree, shall not take place unless the censorship is exercised, and the revocation demanded within one year, from the day of the pronunciation of the Decree, or the Law.

XXIV. If, in the interval, which may elapse between the Decree and the declaration of the general will of the Primary Assemblies, a new election of the Legislative Body has taken place; and, if several of the Members who shall have voted for the Decree, have been re-elected, they shall be bound, immediately after the general will respecting the revocation of the Decree shall be announced, to resign their places to their *suppléans*.

XXV. If the renewing of the Legislative Body shall take place, in virtue of Article XXII, the period of the new re-election shall only be anticipated, the new Legislative Body shall finish the term of the Legislature it has replaced, and shall not be renewed itself, till the epocha of the annual elections determined by the law.

XXVI. After the renewal of the Legislative Body, the new Legislature, in the fifteen days after the epocha, when they shall have been constituted into a deliberative Assembly, shall be obliged to begin to discuss the question of the revocation of the decree, in the form prescribed by the articles XXV. and XXVII. and following, and

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the decision it will give on this object shall likewise be liable to the exercise of the right of censorship.

XXVII. All Laws, and in general, all Acts of Legislation that shall be contrary to the Constitution, shall be subjected to the exercise of the rights of censorship.

XXVIII. There shall be formally excepted, the decrees and acts of simple Administration, the deliberations on local and partial interests, the exercise of inspection and police over the public officers, and the measures of general safety in case they are not renewed.

XXIX. The Legislative Body whenever they shall judge it convenient, may consult the will of the citizens convened in their Primary Assemblies, upon questions which essentially concern the whole Republic, these questions shall be reduced to the simple alternative, *yes or no*.

XXX. Independent of the exercise of the right of censorship over the laws, citizens have a right to address individually, or collectively, petitions to the Constituted Authorities, for their personal and private interest.

XXXI. They shall only be subjected in the exercise of this right, to the progressive order established by the Constitution, between the different constituted Authorities.

XXXII. Citizens shall likewise have a right to demand the trial of public functionaries in case of abuse of power and violation of the law.

H E A D

H E A D IX.

OF NATIONAL CONVENTIONS.

Article I. A National Convention shall be convoked whenever the question is to reform the **CONSTITUTIONAL ACT**, to change or modify some of its branches, or in short, to add some new regulation to it.

II. The Legislative Body shall be charged with this convocation, when it shall have been judged necessary by the majority of the citizens of the Republic. It shall point out the city in which the Convention is to assemble, and hold their sittings; but this shall always be at the distance of upwards of fifty leagues from the town where the Legislative Body shall sit.

III. The Convention, and the Legislative Body, shall have a right to change the place of their sittings, but the distance of fifty leagues shall always be observed.

IV. In the twentieth year, after the acceptance of the Constitutional Act, the Legislative Body shall be obliged to call out a Convention for to revise and improve the Constitution.

V. Each citizen has a right to require the calling of a Convention for a reform of the Constitution; but this right is subjected to the forms and rules established for the exercise of the right of censorship.

VI. If the majority of voters in the Primary Assemblies of a Department claim the convocation of a National Convention, the Legislative Body shall be obliged to consult immediately all the Citizens of the Republic convened in the Primary Assemblies; and if the majority of voters adopt the affirmative, the Convention shall then take place without delay.

VII. The Legislative Body may also, when they shall think it necessary, propose to convene a National Convention; but it cannot take place till the majority of the French people shall have approved of this convocation; and in this case the members of the Legislature cannot be elected Members of the Convention.

VIII. The Convention shall be formed of two Members from each Department, having two *suppléans*; they shall be elected in the same manner as the Members of the Legislatures.

IX. The Convention can only busy itself with presenting to the people the plan of a Constitution, improved and purged of the faults which experience shall have pointed out.

X. All the established authorities shall continue their functions till the new Constitution shall have been accepted by the people, agreeable to the mode adopted for the existing Constitution, and till the new Authorities shall have been formed and put in action.

XI. If

XI. If the plan of the Reform of Constitution is rejected, in the course of the two first months after the period when the will of the people shall have been manifested, the Convention shall be bound to present to the suffrages of the citizens, the questions on which it shall think fit to know their will.

XII. The new plan formed after the expression of this will shall be presented for the acceptance of the people, in the same form.

XIII. If it is rejected, the National Convention shall be absolutely dissolved, and the Legislative Body shall be obliged immediately to consult the Primary Assemblies, to know whether there is grounds for the formation of a new Convention.

XIV. The Members of the Convention cannot be apprehended, impeached, nor tried at any time, for what they shall have said or written in the exercise of their functions, nor can they be tried in any other case, except by a decision of the National Convention itself.

XV. The Convention immediately after their meeting, may regulate the order and progression of their transactions, as it shall think convenient, but its sittings shall be held in public.

HEAD X.
OF THE ADMINISTRATION OF JUSTICE.

SECTION I.
GENERAL RULES.

Article I. There shall be a Civil and Criminal Code, uniform for the whole Republic.

II. Justice shall be publicly administered by Jurors and Judges.

III. The Judges shall be elected periodically, and payed by the Republic.

IV. They can only be renewed at the periods determined, by the Constitutional Act.

V. Judiciary functions can be exercised in no case, and under no pretence whatsoever, neither by the Legislative Body, nor by the Executive Council, nor by the Administrative and Municipal Bodies.

VI. The Tribunals and Judges cannot intermeddle with the exercise of the Legislative power; they cannot interpret, nor extend the Laws, stop, nor suspend their execution; they can exercise no authority over the Administrative functions, nor summons before them the Administrators, on account of their functions.

VII. Judges cannot be removed except for forfeiture lawfully judged, nor can they be suspended except by an accusation that has been admitted.

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SECTION II.

OF CIVIL JUSTICE.

Article I. The Rights of Citizens of definitively terminating their disputes by means of a voluntary arbitration, cannot be infringed upon by the acts of the Legislative Power.

II. There shall be in each Commonality at least one Justice of the Peace.

III. The Justices of the Peace are especially charged, to reconcile the parties, and in case their efforts would prove abortive, to pronounce *definitively* and *without Expences* upon their quarrels; they shall be renewed every year, but they may be re-elected.

IV. The number and competency of the Judges of Peace, shall be determined by the Legislative Body. Nevertheless, Judges of Peace can never take cognizance of property and criminal matters, nor exercise any function of police, or of Administration.

V. A Justice of Peace can never be considered as a branch of litigated Justice.

VI. In all disputed matters, other than such as fall under the province of a Justice of Peace, the citizens shall be obliged to submit them at first to Arbitrators chosen by them.

VII. In case of an appeal against decisions given by Arbitrators, in virtue of the preceding article.

article, the citizens shall bring their cause before the Civil Jury.

VIII. There shall be in each Department only one Civil Jury, it shall consist of the Director of the Jury, a public Reporter, of a National Commissioner, and of Jurymen. The number of these officers of the Jury, may be encreased by the Legislative Body, according to the wants of the Departments.

IX. The list of the Civil Juries of each Department shall be found in the following manner :

1st. In every Primary Assembly, there shall be elected every six months, one Jurymen for every hundred citizens inscribed on the list.

2d. This Election shall be made by one scrutiny only ; and by the simple relative Plurality.

3d. Every Voter shall sign his ballot, or shall cause it to be signed in his name, by one of the Members of the Committee, and he shall inscribe on it the name of one individual only, whatever be the number of Jurymen whom his Primary Assembly ought to name.

X. All the citizens resident in each Department shall be eligible by each Primary Assembly.

XI. Every Primary Assembly shall send to the Administration of the Department, the list of citizens that shall have collected the greatest number of votes between double the number of Jurymen that they have to appoint ; and the Administration, after having formed the list of the Jurymen,

Jurymen, shall be bound to forward it without delay to the Director of the Jury.

XII. Every citizen that shall have been inscribed twice on the list of Jurors, cannot be compelled to exercise such functions again.

XIII. The choice of Jurymen shall be made from the general list of the department by the parties.

In case of refusal the choice shall be made by the Director of the Jury for the parties who refuse. In case of absence, this choice shall be made by the National Commissioner for the parties that are absent and not represented.

XIV. The Director, Reporter, National Commissioner, and their *suppléans* shall be immediately appointed by the Primary Assemblies of the Department, in the forms, and according to the mode prescribed for individual nominations. They shall be appointed for two years, and they may be re-elected.

XV. The chief functions of the Director of the Jury shall be to direct the procedure, that of the Reporter to make an exposition of the cases before the Jury; and that of the National Commissioner, shall be 1st, To require and superintend the observance of the forms and laws in the judgments to be passed, and to cause the rendered judgments to be executed; 2^d, To defend lunatics, interdicted, and absent persons, pupils, the poor, minors, and widows.

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SECTION III.

OF CRIMINAL JUSTICE.

Article I. The punishment of death is abolished for all private transgressions.

II. The right of granting pardon would be no other than the right of violating the law; it cannot exist in a free government where the law is equal for all.

III. In criminal cases no citizen can be judged but by the Jury, and the punishment shall be applied by the criminal tribunals.

IV. A first Jury shall declare, whether the accusation shall be admitted or rejected. The fact shall be acknowledged and declared by the second Jury.

V. The accused person shall have the power to refuse, without alledging his motives, the number of Jurymen that shall be determined by the law.

VI. The Jurymen who shall declare the fact, cannot in any case be less in number than twelve.

VII. The accused person may chuse a council; if he does not, the tribunal shall appoint one.

VIII. No man that has been acquitted by a legal Jury can be any more taken up again, nor accused for the same fact.

IX. There

IX. There shall be at each criminal tribunal a President, two Judges, and a public Accuser, elected by the people for two years; they may be re-elected.

X. The functions of the Public Accusers shall be to denounce to a Director of the Jury, either officially, or in consequence of orders which shall be given them by the Executive Council or the Legislative Body.

1st. Infringements upon the individual liberty of citizens.

2d. Those committed with respect to the right of nations.

3d. Opposition to the execution of judgments, and of all the executive acts issued by the constituted authorities.

4th. Troubles created, and violences committed to impede the collection of the revenues and the free circulation of provisions, and other articles of commerce.

5th. To require during the course of the trial, regularity of forms, and before judgment the application of the law.

6th. To prosecute offences on the acts of accusation admitted by the first juries.

7th. To superintend all the Officers of Police of the Department, whom he shall be bound to warn in case of neglect, and to indict, in cases of a more serious nature, before the Criminal Tribunal.

SECTION IV.

OF JUDICIAL CENSORS.

Article I. There shall be Judicial Censors, who shall go, at fixed periods, to pronounce in each chief place of the Department of the circuit which shall be assigned for this purpose. 1st, On the demands for repealing the judgments passed by the Criminal Tribunals and the civil Juries; 2dly, The demands for appealing from one tribunal to another on account of lawful suspicion; 3dly, On the regulations of the Judges, and on the actions laid against them.

They shall annul the Judgments in which the former have been violated, or that contain an exprefs Contravention against the Law.

II. The Censors shall be nominated for two years. They shall be elected in the Primary Assemblies of each Department, in the form established for individual nominations.

III. They can only pronounce to the number of four on all the demands brought before them.

Each division of Censors can consist of no less than four, and of no more than seven members; and they can never exercise their functions in the Department which has appointed them.

IV. They shall never make a full determination in the causes; but after having annulled the judgment they shall send the main point of the Law-suit, either to the Criminal Tribunal or to the

the Civil Jury, who ought to take cognizance of it.

V. When, after two annulments, the judgment of the third criminal tribunal or civil jury shall be attacked by the same means as the two former, the question can no longer be agitated before the Censors, without having been submitted to the Legislative Body, who shall give a Decree declaratory of the law, to which the Censors shall be bound to conform.

The National Commissioners and the Public Accusers can, without prejudice to the right of the parties interested, denounce to the Censors the acts by which the Judges may have exceeded the limits of their power.

VII. The Censors shall annul these acts, if requisite; and, in case of forfeiture, the fact shall be denounced to the Legislative Body by the Censors who shall have pronounced.

VIII. The Legislative Body shall proceed against the Tribunal if there is any occasion for it, and send the accused before the Tribunal which ought to take cognizance of the matter.

IX. In cases when the parties have not laid any action against judgments, where the laws were violated, the judgments shall have force of a matter determined with respect to the parties; but they shall be annulled for the public interest on the denunciation of the National Commissioners,

and of the Public Accusers. The Judges who have passed them may be prosecuted for the forfeiture.

X. The time fixed for bringing an action before the Censors, cannot in any case be shortened nor prorogued by any particular cause, nor for any individual.

XI. In the first month of the Session of the Legislative Body, each division of Censors shall be bound to send them the list of judgments passed, along with each of which there shall be a summary of the cause, and the text of the law which shall have determined the decision.

XII. In the course of the ensuing month, the Legislative Body shall demand an account of the transactions of the Censors, to repress the abuses that might have crept into the exercise of their functions, and of the means of improving the Legislation, or the Administration of Justice.

XIII. Justice shall be rendered in the name of the Republic. The Executive expeditions of the judgments of the Criminal Tribunals, of the Civil Juries, and Judges of Appeal, shall be conceived in the following form.

THE FRENCH REPUBLIC.

To all Citizens ——— the Civil Jury, or the Tribunal of ——— has passed the following Judgment :

(Copy of the Judgment, and the name of the Judges.)

THE

THE FRENCH REPUBLIC GIVES NOTICE, COMMANDS, AND ORDAINS, &c. &c.

XIV. The same formula shall be made use of for the decisions of the Censors, which shall bear the name of *Acts of Judicial Censure*.

SECTION V.

OF THE NATIONAL JURY.

Article I. A National Jury shall be formed every time the question shall be to pronounce on crimes of high treason. These crimes shall be expressly determined by the penal code.

II. The list of the National Jury shall be composed of three Jurors for each Department, and of an equal number of *suppléans*.

III. They shall be elected, as well as the *suppléans*, by the Primary Assemblies of each Department, according to the forms prescribed for the elections.

IV. The National Jury shall be divided into a Jury of Accusation, and a Jury of Judgment.

V. There shall be formed but one National Jury, whenever the question shall be to pronounce on the simple removal of a Member of the Executive Council of the Republic.

VI. The Judges of the Criminal Tribunal of the Department, within the extent of which the crime shall have been committed, shall fill with the

the National Jury the functions which they exercise for the Ordinary Jury.

VII. In case of a crime of high treason being committed out of the territory of the Republic, or a forfeiture being incurred by a public functionary, out of the same territory, the Legislative Body shall chuse by lot, from among the seven Criminal Tribunals, which are nearest to the place where the crime is committed, that which ought to take cognizance of it.

VIII. The same rule shall be observed, when imperious motives of public interest will not suffer the National Jury to assemble in the Department where the offence shall have been committed.

SECTION VI.

OF THE MEANS OF GUARANTEEING CIVIL LIBERTY.

Article I. Citizens cannot be removed from the Judges assigned them by the Constitutional Law.

II. The Police of Safety shall be organized by a particular law, and can only be intrusted to the Civil Officers.

III. No body, apprehended by virtue of the law, can be put under confinement or detained, except 1st, In virtue of a writ from the Officers of the Police; 2^{dly}, Of a warrant from a Tribunal; 3^{dly}, Of a Decree of Arrest from the
Legislative

Legislative Body; 4thly, Or of a judgment of condemnation to prison, or correctional detention.

IV. Every person brought before the Officer of Police, shall be interrogated forthwith, or at farthest in twenty-four hours, under pain of removal, and having an action entered against him.

V. If it appears from the interrogation of the Officer of Police, that there is no ground for accusation, the person detained shall be forthwith set at liberty; and if there is ground for sending him to the house of arrest, he shall be taken there in the shortest delay, which in no case can exceed three days.

VI. The Director of the Jury of Accusation shall be bound to convoke it in the course of a month at farthest, under the penalty of removal.

VII. Persons arrested cannot be detained, if they shall give sufficient bail, in all cases where the law has not pronounced an afflictive or corporeal punishment.

VIII. The Legislative Body shall fix the rules by which the bail and pecuniary penalties shall be graduated in a proportionable manner, which shall not violate the principles of equality, nor pervert the punishment.

IX. Persons detained by the authority of the law, cannot be conducted, except into places lawfully and publicly assigned, to serve for a house of arrest, house of justice, or prison.

X. No

X. No guardian or gaoler can receive or detain any man, except in virtue of a writ, warrant, decree of arrest, or judgment, and without having entered the same on their register.

XI. Every guardian or gaoler shall present the person of the detained to the Civil Officer, who has the superintending of the house of detention, as often as he shall require it.

XII. When the attained person is not kept in secret confinement, in virtue of an order of the Judge, entered on the register, the sight of him cannot be refused to his relations and friends who are bearers of an order from the Civil Officer, who shall always be bound to grant it.

XIII. Every person, besides those to whom the law gives a right of arresting, who shall expedite, sign, execute, or cause to be executed an order for arresting a citizen ; every person who, in case of arrest, authorised by the law, shall conduct, receive, or retain a citizen in a place of detention, not publicly and not legally appointed ; and every guardian or gaoler who shall act in opposition to the regulations of the preceding articles, shall be guilty of the crime of arbitrary detention, and punished as such.

XIV. The house of every citizen is an inviolable asylum.—During the night it cannot be entered except in the sole cases of fire, or when assistance is called for from within ; and during the day, besides these two cases, it cannot be entered,

tered, except in virtue of an order of the Officer of Police.

XV. The liberty of the press is indefinite. No man can either be apprehended or prosecuted for the sake of writings which he shall have caused to be printed or published, on any subject whatsoever, except in an action of calumny, on the part of the citizens who are the object of it, against the author or printer.

XVI. None can be judged, either by the Civil or Criminal Judges, on account of writings printed or published, unless it has been acknowledged and declared by a Jury, 1st, Whether there is any thing offensive in the writing complained of? 2^{dly}, Whether the prosecuted person is guilty of it?

XVII. Authors preserve the property of the works which they have caused to be printed; but after they are printed, the law only guarantees it during their life.

H E A D XI.

OF THE PUBLIC FORCE.

Article I. The public force is composed of all the citizens that are able to bear arms.

II. It ought to be organized to defend the Republic, against external enemies, and to secure at home the maintenance of order, and the execution of the Laws.

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III. It

III. It may be formed of Bodies, that are paid, both for the Defence of the Republic against external Enemies, and for the internal service of the Republic.

IV. Citizens can never act as armed Bodies, for the service of the Interior, except when required or authorized by the Civil Officers.

V. The public force cannot be required by the Civil Officers, except within the extent of their Territory. It cannot act from the Territory of one Commonality in another, without being authorized by the Administration of the Department, and of one Department in another, without the orders of the Executive Council.

VI. And nevertheless, as the Execution of the Judgments and the prosecution of the accused or the condemned, has no circumscribed Territory, in a Republic one and indivisible, the Legislative Body shall determine by a law, the means of securing the execution of the judgments, and the prosecution of the accused, within the whole extent of the Republic.

VII. As often as disturbances in the interior shall determine the Executive Council to send a part of the public force from one Department into another, it shall be bound immediately to give notice of it to the Legislative Body.

VIII. All the parts of the public force, employed against the enemy abroad, shall act under the order of the Executive Council.

IX. The

IX. The public force is essentially obedient : no armed body can deliberate.

X. The commanders in chief of the armies shall be appointed only by commission ; and in case of war, they shall receive it from the Executive Council. It is revocable at pleasure. Its duration shall always be confined to one campaign, and it shall be renewed every year.

XI. The law of the military discipline shall require to be renewed every year.

XII. The commanders of the National Guard shall be named every year by the citizens of each commonality ; and no individuals shall command the National Guard of several Commonalities.

H E A D XII.

OF PUBLIC CONTRIBUTIONS.

Article I. The public contributions ought never to exceed the wants of the state.

II. The people alone, have the right, either by themselves, or by their representatives, of consenting to them, of superintending the manner how they are employed, and of determining the quota, the assessment, the collection, and the duration.

III. The public contribution shall be debated upon, and fixed every year by the Legislative Body, and cannot subsist beyond that term if they have not been expressly renewed.

IV. The

IV. The contributions ought to be equally divided among all the citizens in proportion to their abilities.

V. Nevertheless, the portion of the produce of the industry and the labour which shall be found to be necessary to each citizen, for his subsistence, cannot be subjected to any contribution.

VI. No contribution can be established, which, by its nature or mode of exaction, might be hurtful to the free disposal of property, to the progress of industry and of trade, to the circulation of capitals, or which might be productive of the violation of the rights acknowledged and declared by the Constitution.

VII. The Administrators of the Departments, or of the Commonalities, cannot either establish any public contribution, or make any assessment beyond the sums fixed by the Legislative Body, or deliberate upon, or permit, without being authorised by it, any local loan at the charge of the citizens of the Department, or of the commonality.

VIII. The detailed accounts of the expences of the Ministerial Departments, signed and certified by the Ministers, shall be made public every year, at the beginning of each Legislature.

IX. This shall likewise be the case with the lists of the receipts of the different contributions, and of all public revenues.

X. The statement of these expences and receipts

ceipts shall be made out according to their nature, and shall express the sums received and expended, year by year, in each Department.

XI. There shall likewise be made public, the accounts of the particular expences to each of the Departments, relative to the Tribunals, to the Administrators, and in general to all public establishments.

HEAD XIII. AND LAST.

OF THE RELATIONS OF THE FRENCH REPUBLIC TO FOREIGN NATIONS, AND OF ITS FOREIGN CONNECTIONS.

Article I. The French Republic will only take up arms for the maintenance of its liberty, the preservation of its territory and the defence of its allies.

II. It absolutely renounces joining to its territory foreign countries, except with the wishes freely declared of the majority of the inhabitants, and, in the case only when the countries which shall solicit this union, shall not be incorporated and united to another nation, in virtue of a social fact expressed in a former Constitution, and freely consented.

III. In the countries occupied by the arms of the French Republic, the Generals shall be bound to maintain, by all the means which shall be at their disposal, the security of persons, and of property, and to secure to the citizens of these countries,

countries, the entire enjoyment of their natural, civil, and political rights. They can under no pretence, and in no case, protect with the authority they are invested with, usages contrary to liberty and to natural Equality, and to the sovereignty of the people.

IV. In its relations to foreign nations, the French Republic will respect the institutions guaranteed by the express, or tacit consent of the generality of the people.

V. The declaration of War shall be made by the Legislative Body, and shall not be subject to the forms prescribed for the other deliberations ; but it cannot be decreed, except in a sitting announced at least three days before, by a signed Scrutiny, and after having heard the Executive Council of the Republic.

VI. In case of hostilities, imminent or begun, of threats, or of preparations of war against the French Republic, the Council is bound to employ for the defence of the State, the means which are given at its disposal, upon condition to notify it to the Legislative Body without delay ; it may even in these cases, point out the increase of forces, and the new measures, which circumstances may require.

VII. All Agents of the public force are authorised in case of attack, to repel a hostile aggression, upon condition of immediately informing the Executive Council thereof.

VIII. No

VIII. No negotiation can be begun, no suspension of hostilities can be granted, except in virtue of a decree of the Legislative Body, who can only pronounce on these objects, after having heard the Executive Council.

IX. The Conventions and Treaties of Peace, of Alliance and of Commerce, shall be negotiated in the name of the French Republic by the agents of the Executive Council, and charged with its instructions; but their execution shall be suspended, and cannot take place till after the ratification of the Legislative Body.

X. The temporary capitulations and suspensions of arms agreed to by the Generals, are alone excepted from the preceding articles.

*Signed by the Members composing the Committee of
Constitution.*

BARRERE *barriered*

BRISOT *guillotine*

CONDORCET, *g. m. id.*

DANTON *gaid.*

GENSONNE

PETION grace d. l. latine

SIEVES

THOMAS PAINE.

VERGNIAUD. *quil.*

